REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-24 are pending in the application.

In the Office Action, the Examiner objected to the Drawings. The Examiner objected to the Specification due to lack of clarity. The Examiner objected to Claims 4 and 13-15 due to informalities. With regard to the art, the Examiner rejected Claims 1-13, 16-20 and 23-24 under 35 U.S.C. §102(e) as being anticipated by U.S. Pub. No. 2003/0002464 to *Rezaiifar et al.* (hereinafter *Rezaiifar*). The Examiner rejected Claims 14-15 and 21-22 under 35 U.S.C. §103(a) as being unpatentable over *Rezaiifar* in view of U.S. Pub. No. 2003/0142656 to *Padovani et al.* (hereinafter *Padovani*).

Please amend the Specification as shown herein. No new matter has been added.

As to the objection to the Drawings, the Examiner once again alleged that "DRQ message", "DRQ information", "ACK message" and "detection ACK signal", recited in the claims, are not shown in the drawings. However, in the Submission dated August 30, 2007, it is respectfully asserted that Applicants responded to this allegation by arguing in detail how each of these recitations is shown in the drawings. The Examiner failed to respond to said arguments. It is respectfully re-asserted that this aspect of the drawings objection should be withdrawn, due to the applicable arguments presented in said Submission.

In addition, the Examiner alleged that some of the labels used in the drawings do not match those in the specification. In response, Applicants have amended FIG. 15 at label 1503 by deleting "DRQ report indication bit detector" and inserting therefor --DRQ report direction bit detector--, for consistency with the specification and the other figures. Specifically, the DRQ report direction bit is recited in the discussion of 1503 in the specification, and is shown at least in FIGs. 7-9, 11-12, 16-17 and 19.

As to the objection to the Specification, the Examiner alleged that it contains unclear terms such as conflicting definitions for "N1". It is noted that "N1" in the specification should relate to the number of access attempts. Thus, in FIG. 12 "N1" has been changed in steps 1211 and 1213 to --R1--, for indicating the number of times the data rate request message is transmitted. Likewise, the specification on pages 16-17 has been amended in conformance with the amendment to FIG. 12, such that "N1" has been changed to --R1-- in each instance, and the specification has been reworded here for clarity purposes. Particularly, line 27 on page 16 has been deleted, in favor of the recitation --counts the number R1 of times the data rate request message is transmitted in step 1211.--

In addition, the Examiner alleged that it is unclear whether "reverse transmission (or reverse DRQ access)" in line 28 of page 14 and "reverse signal (or reverse DRQ access signal)" in line 22 of page 15 are the same herein. As clearly evident from the recitation "reverse DRQ access detected?" in both of steps 1015 and 1103, it is respectfully noted that the two are the same. For purposes of clarity and consistency, Applicants have amended the specification by simply reciting, "reverse DRQ access" in place of "reverse transmission" and "reverse signal" where these recitations appear in the discussion of FIGs. 10-13 on pages 14-18. Furthermore, step 1303 in FIG. 13 has been amended to recite, "reverse DRQ access detected?" It is respectfully submitted that the foregoing amendments and arguments obviate the objection to the Specification, and withdrawal of the same is respectfully requested.

As to the objection to the claims, in Claims 4 and 13-15 the Examiner alleged that at least "transmitting ACK message in response to a detection ACK signal of the DRQ message" is unclear, due to discrepancies between the claims, the specification and the drawings. However, it is respectfully asserted that the foregoing amendments and arguments obviate the claim objections. In addition, Applicants respectfully re-asserting the aforementioned applicable arguments presented in said Submission, particularly since the

Examiner failed to respond to the arguments regarding the drawings objections, as previously discussed. Accordingly, withdrawal of the claims objections is respectfully requested.

As to the §102(e) rejection, Applicants respectfully traverse. Each of the independent Claims 1, 7, 13 and 18 recites a base station that generates a data rate request (DRQ) message which is received by the mobile station. The Examiner cites *Rezaiifar* as disclosing each and every limitation in these claims, but *Rezaiifar* concerns a channel structure for communication systems. In paragraph [0019] now cited by the Examiner in the Response to Arguments, the reference simply fails to teach the recitation at issue.

Particularly, *Rezaiifar* does not teach a base station apparatus comprising a controller for generating a DRQ message for requesting transmission of DRQ to a mobile station, as recited *inter alia* in Claim 1 and similarly in Claims 7, 13 and 18. Instead, it is respectfully asserted that *Rezaiifar* teaches a data rate request by the remote station and other information, which are transmitted by the remote station using a control channel frame format which minimizes the processing delay between the time a data rate request is made to the time of actual transmission at the assigned data rate. *Rezaiifar* makes absolutely no mention, either explicit or implicit, of a DRQ message generated by a controller in a base station apparatus, as directed to in the rejected claims

Worse yet, the Examiner alleged yet again that the "paging message" in *Rezaiifar* reads on the DRQ message in the claims, but nowhere in the reference is the paging message set forth as relating to a data rate request, as claimed. In fact, it is respectfully asserted that the only instance where data rate request is even mentioned in *Rezaiifar* is in paragraph [0019], but there appears to be no discussion of a paging message anywhere with relation to the data rate request mentioned in this paragraph. Accordingly, it is strongly maintained that *Rezaiifar* is deficient under §102(e) scrutiny in both disclosing each and every limitation in the rejected Claims 1-13, 16-20 and 23-24, as well as anticipating the rejected claims.

To further explain the distinctions, as to the "a controller" recitation in Claim 1 and similarly in Claims 7, 13 and 18, *Rezaiifar* discloses in paragraph 0119 that when a base station transmits a paging message to a remote station in a dormant mode or a suspended mode, the remote station transmits a paging response message, and then the base station assigns a channel to the remote station, performs a service negotiation with the remote station thereafter, and transits to a traffic channel mode by assigning data traffic.

Claim 1 sets forth that a "Controller" generates a data rate request (DRQ) message for requesting transmission of DRQ to a mobile, when there is a packet to transmit in a state where there is no data communication with the mobile station.

The Examiner appears to take the position that *Rezaiifar* is the same as the present claim in that a message is transmitted from the base station to the mobile station when transiting from no data communication to data communication. However, it is respectfully asserted that the Examiner has not exactly understood the function of "DRQ message".

Particularly, the paging message of *Rezaiifar* is directed to the message for traffic channel configuration for data packet transmission, whereas the DRQ message of the claimed invention is directed to a message for controlling DRQ transmission according to data packet generation, not traffic channel configuration for data packet transmission. Accordingly, the DRQ message of the present invention is clearly different and distinct from the paging message of *Rezaiifar*.

Typically, the DRQ is periodically transmitted from the remote station to the base station, even when there is no transmission/reception packet between the base station and the remote station. However, the recitations in Claim 1 are to provide the DRQ message for intermittently transmitting the DRQ so that the DRQ is not transmitted when there is no data to be transmitted, in order to overcome the problem generated by periodically transmitting the DRQ to the base station by the mobile station.

It is strongly asserted that *Rezaiifar* does not disclose any message for intermittently transmitting DRQ. For at least the foregoing reasons, withdrawal of the rejection of Claims 1-13, 16-20 and 23-24 under 35 U.S.C. §102(e) is respectfully requested.

As to the §103(a) rejection of Claims 14-15 and 21-22, it is respectfully submitted that this rejection is incorrect at least for the reasons given above with respect to the rejection of Claims 1-13, 16-20 and 23-24 and further, since *Padovani* fails to cure the stated deficiencies in *Rezaiifar*.

Furthermore, the DRQ message herein is distinct and different from the teachings in *Rezaiifar* as mentioned above. Moreover, it is respectfully asserted that the DRQ message disclosed in *Padovani* is directed to the message reversely transmitted from the mobile terminal, not the message forwardly transmitted from base station requesting DRQ transmission as disclosed in the rejected claims. For at least the foregoing reasons, withdrawal of the rejection of Claims 14-15 and 21-22 under 35 U.S.C. §103(a) is respectfully requested.

Independent Claims 1, 7, 13 and 18 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-6, 8-12, 14-17 and 19-24, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-6, 8-12, 14-17 and 19-24 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-24, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

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